IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 11254 of 2004

Between:

Sri Gowri Mahila Mandali, rep. by its General Secretary Kum. M. Gayathri,
D/o M. Padma Rao, Aged 24 years, H.No. 13-3-1049/363, Jiyaguda, Hyderabad.

..... PETITIONER

AND

1 The Govt. of A.P., rep. by its Principal Secretary,
Transport, Roads & Buildings Department, Secretariat Buildings, Hyderabad.
2 The Engineer-in-Chief, Roads and Buildings, Hyderabad.
3 The Chief Engineer (R&B), Building, A.P. Hyderabad.
4 The Executive Engineer (R&B), Central Building Division,
Mahaveer Margh, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ in the nature of mandamus or any other appropriate writ, order or direction by declaring the action of the respondents in not paying the amounts to the petitioner for the works executed, as illegal, arbitrary and unjust and consequently direct the respondents to pay the amounts due to the petitioner, with interest.

Counsel for the Petitioner:MR.S.GOPAL RAO

Counsel for the Respondents: GP FOR ROADS & BUILDINGS

The Court made the following :

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ORDER:

The petitioner herein, which is a women association, filed this Writ Petition, inter alia, seeking writ of Mandamus for a direction to respondents herein for making payments in respect of the work, which has already been executed by the petitioner.

The case of petitioner is that it is a registered body with registration No.6131 as a DWACUA group 2000 and the same was also recognized by U.C.D. (MCH). Accordingly, the petitioner was entrusted with work for execution of sweeping and sanitation works at C.E. & S.C. & D&P. The said work has already been executed from June 2001 onwards up to December 2003 without any complaint. However, no amounts have been paid for the said work. The petitioner already filed detailed representation on 10-03-2004 followed by other representation dated 24-06-2004. In spite of the same no action is forthcoming. Hence, the Writ Petition.

In the counter-affidavit filed by the respondents it is stated that petitioner's body is not a recogniged one and therefore the petitioner cannot make any claim as such. Further, it is also denied, as to any participation by the petitioner in the tenders. Hence, it is stated that the petitioner is not entitled to any such amounts.

Considering the submissions made and on perusal of the material it is seen that the petitioner is now making a claim for the amounts for the work, which has already been executed. Though there is a denial in regard to work entrustments etc., however, it cannot be denied, if any such work was executed by the petitioner. The respondents cannot take any shelter on any such vague ground and deny the payment therefor. However, since the petitioner has not given any particulars and details in regard to exact nature of work and the amounts, to which petitioner entitled to, it is more appropriate that the petitioner to approach the respondents once again with a comprehensive representation giving all the details about work executed and the bills containing the amounts, to which petitioner entitled to. On receipt of which, the respondents shall consider the same and pass orders in regard to the payment

in accordance with law, after giving notice and opportunity.

Subject to above, Writ Petition is disposed of. The petitioner shall file such representation within a period of four weeks from today. No costs.

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B.PRAKASH RAO, J.

Dated 26-10-2004.

SKMR

To

1 The Principal Secretary, Govt. of A.P.,
Transport, Roads & Buildings Department, Secretariat Buildings, Hyderabad.
2 The Engineer-in-Chief, Roads and Buildings, Hyderabad.
3 The Chief Engineer (R&B), Building, A.P. Hyderabad.
4 The Executive Engineer (R&B), Central Building Division,
Mahaveer Margh, Hyderabad.

5. 2CCs to G.P. for Roads & Buildings, High Court Buildings, Hyderabad

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